



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,999	12/16/2003	Gavriela D. Lavie	5760-14800	5749

35690 7590 12/20/2007
MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.
P.O. BOX 398
AUSTIN, TX 78767-0398

EXAMINER

RAYYAN, SUSAN F

ART UNIT	PAPER NUMBER
----------	--------------

2167

MAIL DATE	DELIVERY MODE
-----------	---------------

12/20/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/736,999	Applicant(s) LAVIE ET AL.	
	Examiner Susan F. Rayyan	Art Unit 2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/4/2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 4, 2007 has been entered.

DETAILED ACTION

2. Claims 1-25 are canceled.
3. Claims 26-36 are pending.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 26-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over
US Patent Application Number 2002/0184065 issued to Cody Menard et al
("Menard") and US 2003/0065986 issued to Noam Fraenkel et al.**

As per claim 26 Menard teaches:

detecting a change to a database system(see paragraph 37, lines 1-9, databases, and see paragraph 38 lines 2-5, as identify patterns of data which allow for determining state of the system or problems that may be present);

Menard does not explicitly teach determining a plurality of predicted outcomes resulting from the detected change, wherein the plurality of predicted outcomes relate to future operation of the database system, monitoring the database system for an occurrence of at least one of the predicted outcomes, based on the monitoring, detecting the occurrence of at least one of the predicted outcomes and based on the detecting, displaying to a user an indication of the occurrence of the at least one of the predicted outcomes. Fraenkel teaches determining a plurality of predicted outcomes resulting from the detected change, wherein the plurality of predicted outcomes relate to future operation of the database system, monitoring the database system for an occurrence of at least one of the predicted outcomes, based on the monitoring, detecting the occurrence of at least one of the predicted outcomes and based on the detecting, displaying to a user an indication of the occurrence of the at least one of the predicted outcomes (paragraph 97, alerts wizard allows monitoring performance parameters in real-time and generating alerts including availability and response time) to allow users to monitor performance parameters. It would have been obvious to one of ordinary skill in the art to modify Menard with determining a plurality of predicted outcomes resulting from the detected change, wherein the plurality of predicted

outcomes relate to future operation of the database system, monitoring the database system for an occurrence of at least one of the predicted outcomes, based on the monitoring, detecting the occurrence of at least one of the predicted outcomes and based on the detecting, displaying to a user an indication of the occurrence of the at least one of the predicted outcomes to allow users to monitor performance parameters as described by Fraenkel at (paragraph 97).

As per claim 27 same as claim arguments above and Menard teaches:

generating a determination that the change to the database system has decreased performance of the database system, determining a degree of confidence in the determination that the change to the database system has decreased performance of the database system, and displaying to the user the degree of confidence in the determination that the change to the database system has decreased performance of the database system (paragraph 186, indication normal, warning, poor performance level).

As per claim 28 same as claim arguments above and Menard teaches:

wherein said detected change indicates a change in response latency to an input provided to said database system (paragraph 53, monitor Oracle database activity).

As per claim 29 same as claim arguments above and Menard teaches:

... wherein said attribute of said database system is related to the number and/or type of transactions executed by the database system (paragraph 53, monitor Oracle database activity).

As per claim 30 same as claim arguments above and Menard teaches:

... wherein said attribute of said database system is related to timing information associated with transactions executed by the database system (paragraph 53, monitor Oracle database activity).

As per claim 31 same as claim arguments above and Menard teaches:

... wherein said attribute of said database system is related to configuration information associated with the database server or related to data schema of the database system paragraph 53, monitor Oracle database activity).

Claims 32, 34, 36 are rejected based on the same rationale as claim 26 above.

Claims 33, 35 are rejected based on the same rationale as claim 27 above.

Response to Arguments

5. Applicant's arguments with respect to claims 26-36 have been considered but are moot in view of the new ground(s) of rejection.

Contact Information


Application/Control Number:
10/736,999
Art Unit: 2167


Page 6

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan F. Rayyan whose telephone number is 571-272-1675. The examiner can normally be reached on M-F, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Susan Rayyan
December 18, 2007


JOHN COTTINGHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100